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EXCHANGE OF RATIFICATIONS OF TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION WITH JAPAN

The instruments of ratification of the treaty of friendship, commerce and navigation between the United States and Japan were exchanged today in Washington. The exchange was made by Secretary of State Dulles and the Japanese Ambassador Eikichi Araki, at a brief formal ceremony. This action completes the formal procedures connected with bringing the treaty into force. By its own terms the treaty will become effective on October 30th, one month after the exchange of ratifications.

The treaty was signed at Tokyo on April 2, 1953. It was approved by the United States Senate on July 21st and by the Japanese Diet on August 7th. It was ratified by the Japanese Government on September 2nd and by the President of the United States on September 15th.

Entry into force of the new treaty marks the resumption after a lapse of thirteen years of formal treaty relations of this general character between the two countries. An earlier treaty of this kind, signed in 1911, was terminated in 1940. The new treaty was concluded pursuant to Article 12 of the Treaty of Peace with Japan, signed at San Francisco on September 8, 1951, in which Japan declared its readiness to enter into negotiations with each of the Allied Powers for treaties "to place their trading, maritime and other commercial relations on a stable and friendly basis". It is designed to regulate basic economic relations between the two countries in accordance with advanced and enlightened standards of treatment and to direct the future development of those relations along mutually beneficial lines. It contains provisions on basic personal freedoms, property rights, investment and business activities generally, taxation, exchange regulations, the treatment of imports and exports, shipping and other matters affecting the status and activities of the citizens and enterprises of either country when within the territories of the other.

Approval of the treaty by the United States Senate was given subject to a reservation regarding the practice of professions, and the Japanese Government ratified the treaty with a comparable reservation on this subject. Acceptance of the reservations by the respective Governments was confirmed by diplomatic notes which were exchanged at Tokyo on August 29th. The texts of the principal notes, and of a letter of the Japanese Minister of Foreign Affairs explaining certain terms used in the Japanese reservation, are attached.

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY Catherine Gray DATE 3/19/82
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TO BE RTN. REASON(S)
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NOTES

NOTES RELATING TO RESERVATIONS TO TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES AND JAPAN

(1) United States Note of August 29 communicating Senate reservation to which the Japanese replied by a note of the same date accepting the United States reservation

No. 291

American Embassy,
Tokyo, August 29, 1953

Excellency:

With reference to the Treaty of Friendship, Commerce and Navigation between the United States of America and Japan, signed at Tokyo on April 2, 1953, I have the honor to inform Your Excellency that the Senate of the United States on July 21, 1953, gave its advice and consent to the ratification of the said Treaty in a resolution as follows:

> "Resolved (two-thirds of the Senators present concurring therein), that the Senate advise and consent to the ratification of Executive D, 83rd Congress, first session, a Treaty of Friendship, Commerce and Navigation between the United States of America and Japan, together with a Protocol relating thereto, signed at Tokyo on April 2, 1953, subject to the following reservation, which shall be agreed to by the other High Contracting Party before ratifications are exchanged:
>
> > 'Article VIII, Paragraph 2, shall not extend to professions, which because they involve the performance of functions in a public capacity or in the interest of public health and safety, are state-licensed and reserved by statute or constitution exclusively to citizens of the country, and no most-favored-nation clause in the said Treaty shall apply to such professions.'"

It will be observed that by this resolution the advice and consent of the Senate to the ratification of the Treaty are given subject to a reservation to the provision that concerns the practice of professions.

It is the hope of my Government that Your Excellency's Government will find acceptable the reservation which the Senate has made a condition of its advice and consent to the ratification of the Treaty. An acknowledgement of this Note by Your Excellency prior to the exchange of ratifications accepting, on behalf of the Government of Japan, the said reservation will be considered as completing the acceptance by the two Governments of the reservation.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

/S/ John M. Allison

His Excellency
Katsuo Okazaki, Minister of Foreign Affairs of Japan.

(2) Japanese Note of August 29 communicating Japanese reservation to which the United States replied by a note of the same date accepting the Japanese reservation.

Monsieur l'Ambassadeur,

With reference to the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America signed at Tokyo on April 2, 1953, I have the honour to inform Your Excellency that the conclusion of the Treaty was approved by the Diet of Japan on August 7, 1953. In the course of Diet deliberations on the approval for the conclusion of the Treaty, the desire was expressed that, should any reservation be made, on behalf of the United States of America, with respect to the provisions of the Treaty concerning the practice of professions, the Government of Japan should make similar reservation with respect to the same provisions.

Now that Your Excellency has informed me in the Note of today's date of the reservation made on behalf of the United States of America, I wish to inform Your Excellency that my Government has decided to make the following reservation:

> Japan reserves the right to impose prohibitions or restrictions on nationals of the United States of America with respect to practicing the professions referred to in Article VIII, paragraph 2, to the same extent as States, Territories or possessions of the United States of America, including the District of Columbia, to which such nationals belong impose prohibitions or restrictions on nationals of Japan with respect to practicing such professions.

It is the hope of my Government that Your Excellency's Government will find acceptable the above reservation of the Government of Japan. An acknowledgement of this Note by Your Excellency prior to the exchange of ratifications accepting, on behalf of the Government of the United States of America, the said reservation will be considered as completing the acceptance thereof by the Government of the United States of America.

I avail myself of this opportunity to renew to Your Excellency, Monsieur l'Ambassadeur, the assurances of my highest consideration.

Signed: Katsuo Okazaki
Minister for Foreign Affairs

(3) Letter from Japanese Foreign Minister

Monsieur l'Ambassadeur,

I have the honour to refer to my Note of today's date informing Your Excellency of the reservation made by my Government with respect to the Treaty of Friendship, Commerce and Navigation between Japan and the United States of America signed at Tokyo on April 2, 1953.

I wish to inform Your Excellency that the phrase "States, Territories or possessions of the United States of America, including the District of Columbia, to which such nationals belong" used in the said Note shall mean States, Territories or possessions of

I avail myself of this opportunity to renew to Your Excellency, Monsieur l'Ambassadeur, the assurance of my highest consideration.

Signed: Katsuo Okazaki
Minister of Foreign
Affairs

His Excellency
Mr. John M. Allison
Ambassador Extraordinary and Plenipotentiary
of the United States of America to Japan.

* * *

State--PB--Wash., D.C.